

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In Re:)	Chapter 7
)	
CHARLENE MABINS,)	Case No. 21-09875
)	
Debtor.)	Honorable Timothy A. Barnes

NOTICE OF MOTION

PLEASE TAKE NOTICE that on **Monday, October 18, 2021, at 1:00 p.m.**, I will appear before the Honorable Timothy A. Barnes, or any judge sitting in that judge's place, and present the U.S. Trustee's **Motion for Rule 2004 Examination of Debtor**, a copy of which is attached.

This motion will be presented and heard electronically using Zoom for Government. No personal appearance in court is necessary or permitted. To appear and be heard on the motion, you must do the following:

To appear by video, use this link: <https://www.zoomgov.com/>. Then enter the meeting ID and password.

To appear by telephone, call Zoom for Government at 1-669-254-5252 or 1-646-828-7666. Then enter the meeting ID and password.

Meeting ID and password. The meeting ID for this hearing is 161 329 5276 and the password is 433658. The meeting ID and password can also be found on the judge's page on the court's web site.

If you object to this motion and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without a hearing.

/s/ Jeffrey L. Gansberg
Jeffrey L. Gansberg, Trial Attorney
United States Department of Justice
Office of the United States Trustee
219 South Dearborn, Room 873
Chicago, Illinois 60604
(312) 886-3327

CERTIFICATE OF SERVICE

I, Jeffrey L. Gansberg, an attorney, certify that I served copies of the **Notice of Motion and Motion for Rule 2004 Examination of the Debtor** on each entity shown on the attached list at the address shown and by the method indicated on September 29, 2021.

/s/ Jeffrey L. Gansberg

SERVICE LIST

Registrants Served Through the Court's Electronic Notice for Registrants:

- Catherine L. Steege csteege@jenner.com, csteege@ecf.axosfs.com

Parties Served via First Class Mail:

Charlene Mabins
4346 S. Greenwood Ave.
Chicago, IL 60653

PRA Receivables Management, LLC
PO Box 41021
Norfolk, VA 23541

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
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In Re:) Chapter 7
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CHARLENE MABINS,) Case No. **21-09875**
)
Debtor.) Honorable Timothy A. Barnes

MOTION FOR RULE 2004 EXAMINATION OF THE DEBTOR

Patrick S. Layng, the United States Trustee for the Northern District of Illinois (“U.S. Trustee”), by and through his attorney, Jeffrey L. Gansberg, moves the Court for entry of an order authorizing an examination of Charlene Mabins (“Debtor”) pursuant to Fed. R. Bankr. P. 2004. In support of his request, the U.S. Trustee states the following:

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A) which this Court may hear and determine pursuant to IOP 15(a) and LR40.3.1(a) of the United States District Court for the Northern District of Illinois and Local Rule 9013-9.

2. Movant is the U.S. Trustee for the Northern District of Illinois and brings this motion pursuant to Fed. R. Bankr. P. 2004.

3. On August 24, 2021 (“Petition Date”), the Debtor filed her voluntary petition for relief under Chapter 7 of the Bankruptcy Code. On August 27, 2021, she filed her schedules, and statement of financial affairs (collectively, the “Schedules”). On her petition and Schedules, the Debtor indicated that her debts are primarily consumer debts.

4. Catherine Steege was appointed the Chapter 7 Trustee for this case (“Chapter 7 Trustee”). The Chapter 7 Trustee conducted the First Meeting of Creditors (“341 Meeting”) on September 16, 2021 but did not conclude the meeting.

5. The Debtor scheduled a total of \$169,128 in priority and nonpriority unsecured debt on her Schedule E/F. Of that debt, \$116,128 is scheduled as credit card debt and all of it is scheduled as being incurred in 2020 – at a time when the Debtor disclosed that she was receiving only social security income – and all is scheduled as “contingent.”

6. According to Schedule A/B, the Debtor has a total of \$27,150 in personal property. However, the Debtor scheduled no real estate on Schedule A/B, but also did not schedule any rent payments on Schedule J. On Schedule G, the Debtor scheduled a “lease Rental space” but no further description is provided.

7. Schedule I shows that Debtor is unemployed and is paid \$1,552 monthly in social security.

8. Based on the foregoing, the U.S. Trustee seeks to verify the veracity, truthfulness, and completeness of the Debtor’s Schedules and testimony at the 341 Meeting in order to evaluate whether there may be a basis to object to the Debtor’s discharge under 11 U.S.C. § 727 or file a motion to dismiss the Debtor’s case under 11 U.S.C. § 707. To do so, the U.S. Trustee needs to elicit an examination from the Debtor under Federal Rule of Bankruptcy Procedure 2004(c), including the production of documents and oral testimony, if necessary.

WHEREFORE, the U.S. Trustee requests the Court to enter an order authorizing the United States Trustee to conduct an examination of the Debtor under Fed. R. Bankr. P. 2004, and for such other relief as is just.

RESPECTFULLY SUBMITTED:
PATRICK S. LAYNG
UNITED STATES TRUSTEE

DATED: September 29, 2021

/s/ Jeffrey L. Gansberg
Jeffrey L. Gansberg, Trial Attorney
United States Department of Justice
Office of the United States Trustee
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